

## TEN COMMANDMENTS FOR RESPIRATORY CARE

- 1) Patients have the right to professional, conscientious, and competent care.
- 2) Patients have the right to health care that meets community standards regardless of the setting.
- 3) Patients have the right to adequate explanations regarding therapy, management, rehabilitation, and diagnostic evaluations or services performed.
- 4) Patients have the right to refuse any treatment to the extent permitted by law and to be informed of the medical consequences of refusing such treatment.
- 5) Patients have the legal right to request and review the license of any RCP and be apprised of the current status of the license (i.e., valid, expired, canceled, conditional, revoked).
- 6) Patients have the right to be informed of the physician(s) responsible for medical direction and the supervision of the RCP.
- 7) Patients have the right to expect that all records and/or communications pertaining to their care are treated as confidential.
- 8) Patients have the right to access all health records pertaining to their care as provided by statute.
- 9) Patients have the right to refuse observation by those not directly involved in their care.
- 10) Patients have the right to be fully informed and advised of their rights in all health care settings.

## WHAT HAPPENS AFTER I HAVE FILED A COMPLAINT?

You will be issued a letter of acknowledgment within 4 days of the receipt of your complaint.

The Board office will determine the appropriate initial action to take such as:

- a board investigation;
- referral to the Division of Investigation;
- expert review, or
- request for additional facts and information.

After the complaint has been thoroughly investigated and reviewed by the Executive Officer or designated staff, one of the following actions will be taken:

- the case is forwarded to the Office of the Attorney General for filing of a formal accusation and/or
- the case may be forwarded to the appropriate District Attorney for criminal action;
- a Citation and Fine will be issued;
- a Warning or Cease and Desist letter will be issued;
- the case is referred to another agency with proper jurisdiction; or
- the case is closed due to no or insufficient evidence to substantiate complaint.

Where formal action has been taken by the Board, the subject may face penalties anywhere from a fine, to being placed on probation or outright license revocation.

The Board attempts to notify you at each stage of the investigative and disciplinary stages. Further, you are encouraged to contact the Board office at anytime you would like the status of the case.

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**THE RESPIRATORY CARE BOARD THANKS YOU FOR  
ASSISTING IN THE MANDATE OF CONSUMER  
PROTECTION.**

# COMPLAINT INFORMATION



## Respiratory Care Board of California

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**E-Mail: [rcbinfo@dca.ca.gov](mailto:rcbinfo@dca.ca.gov)**

## YOUR COMPLAINT CAN SAVE LIVES

Your complaint could prevent injury or death of a patient.

The Respiratory Care Board of California (Board) is committed to protecting and serving consumers by administering and enforcing the Respiratory Care Practice Act and its regulations in the interest of the safe practice of respiratory care.

The Board relies upon consumers and concerned parties to inform the Board when a respiratory care practitioner (RCP) has violated the Respiratory Care Practice Act. Such violations may include but are not limited to:

- Conviction of a Crime
- Sexual Misconduct
- Abuse of Alcohol and/or Prescription Drugs
- Use of Illegal Narcotics/Substances
- Incompetent and/or Negligent Practice of Respiratory Care
- Battery/Spousal Battery
- Fiscal Dishonesty
- Unlicensed Practice

Patients have the right to competent and professional medical treatment. RCPs who have committed any of the acts listed above or who have had any criminal convictions, may be a great danger to you and other consumers.

Since the most serious complaints concern those violations of the Respiratory Care Practice Act while on duty, it is important that you relay your concerns to the Board to prevent these violations from occurring in the future. Your complaint can save lives.

## WHO SHOULD FILE A COMPLAINT?

Any individual that has knowledge or reasonable suspicion that a RCP applicant or licensee has committed any crime, has performed below the standards of the profession, or is a potential threat to consumers.

In 1999, a law was passed that mandates employers of RCPs to report to the Board the suspension or termination of any RCP for specific causes. Also passed was a law that mandates RCPs to report to the Board those persons who may be in violation of statutes and regulations mandated by the Board.

If you have knowledge or reasonable suspicion that a RCP or applicant is in violation of the Respiratory Care Practice Act, you should file a complaint with the Board. As patients, professionals, administrators and supervisors – your input is invaluable.

## HOW DO I FILE A COMPLAINT?

Any individual who would like to make a complaint against or report unusual activity of a RCP should submit a completed complaint form to the Board. Complaint forms are available at the Board's web site at [www.rcb.ca.gov](http://www.rcb.ca.gov) or can be mailed to you upon request by contacting the Board toll free at (866) 375-0386.

## AM I PROTECTED IF I FILE A COMPLAINT?

Everyone has the right to file a complaint without fear of negative repercussions. Pursuant to Business and Professions Code, section 2318 and Civil Code, section 43.8 a complainant is immune to prosecution for registering a complaint.

Further, each individual has the right to file a complaint anonymously. However, the Board does prefer to have the name and a telephone number and/or an address of the complainant in order to contact him/her in the event additional information is needed during the investigation. Therefore, the Board provides complainants the option of releasing personal information solely for its use by classifying it as confidential.

## DOES A RCP HAVE TO BE LICENSED?

Yes. All RCPs working in the State of California must be licensed by the Respiratory Care Board of California. Persons performing services exclusively for the Federal Government are excluded from this requirement.

## HOW DO I KNOW IF A RCP IS LICENSED TO PRACTICE?

You may request the RCP to produce for inspection his/her original pocket license issued by the Respiratory Care Board. By law, RCPs are required to provide his/her original license upon request.

All RCP licenses are plastic and the size of a credit card. When reviewing the license you should check to:

- ensure the license has been issued by the Respiratory Care Board of California (the Board's logo is in the upper right hand corner);
- ensure the name on the license matches the name tag of the individual practicing; and
- ensure the license expiration date is current.

For absolute verification, retain the license number and/or name of the individual and check that person's license status on-line by accessing the Board's web site at [www.rcb.ca.gov](http://www.rcb.ca.gov) or telephone the Board toll free at (866) 375-0386.

## HOW CAN I FIND OUT WHICH RCPs HAVE HAD DISCIPLINARY ACTION TAKEN AGAINST THEM?

Information regarding disciplinary action taken against a licensee can be obtained by accessing the Board's web site at [www.rcb.ca.gov](http://www.rcb.ca.gov) to view:

- the license status of a specific RCP by knowledge of his/her name or license number; *or*
- a report which lists disciplinary actions taken within the last 3 years by the Board on all RCPs and applicants;

Copies of disciplinary orders may be requested by contacting the Board toll free at (866) 375-0386.